UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,670	11/27/2001	Song Han	19111.0053	8023

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EXAMINER
PATEL, DHAIRYA A

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/993,670	HAN ET AL.
	Examiner	Art Unit	
	Dhairya A. Patel	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 August 2005*.

2a) ☐ This action is **FINAL.**　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3-7,10,11,13-17,20,21,23-27 and 30* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,3-7,10,11,13-17,20,21,23-27 and 30* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some *　c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed on 8/17/2005. Claims 1,3-7,10,11,13-17,20,21,23-27,30 are still pending. Claims 2,8-9,12,18-19,22,28-29 are cancelled.

2. This amendment has been fully considered and entered.

3. Applicant's remarks are deemed moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,10,11,20,21,30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. As per claims 1,10,11,20,21,30, they are rejected under 35 U.S.C 112 first paragraph because it contains "...one condition relating to locations of the plurality of mobile users" and "....cause a condition relating to locations of the plurality of mobile users" which is not mentioned in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described
as set forth in section 102 of this title, if the differences between the subject matter sought to
be patented and the prior art are such that the subject matter as a whole would have been
obvious at the time the invention was made to a person having ordinary skill in the art to which
said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

Claims 1,3-7,10,11,13-17,20,21,23-27,30 are rejected under 35 U.S.C.

103(a) as being unpatentable over Reed et al. U.S. Patent # 6,263,209

(hereinafter Reed) in view of Souissi et al. U.S. Patent # 6,091,959 (hereinafter

Souissi).

5.   As per claim 1, Reed teaches a method for providing location-based event

service comprising the steps of:

a) obtaining information indicating a current location of a plurality of mobile

users, including a selected mobile user; (column 5 lines 17-28, lines 54-63)

The reference teaches getting the information about plurality of mobile

users who have portable subscriber units with the mobile phone about their

current location and fixed portion including a user selected (column 5 lines 54-

63).

b) determining if at least one condition relating to location of the plurality of

mobile users is satisfied based on the indicated current location of the selected

mobile user (column 5 lines 17-28, lines 54-67);

The reference teaches comparing the current location just taken with the

attribute stored in the database (determining at least one condition) to determine

whether an alert is necessary. The attribute is collected from the plurality of users

and their portable subscriber units (column 5 lines 17-28). Then the comparison

is made from the current location of the user selected and the attribute collected

from the plurality of users, which is stored in the database. Therefore when the

comparing the current location with the attribute stored in the database is

satisfied is same as determining if at least one condition (comparing) relating to a

locations of the plurality of mobile users.

c) performing at least one event, if at least one condition is satisfied

(column 5 lines 54-67) (column 6 lines 1-4); and

The reference teaches if the condition is satisfied an alert (one event) is

generated.

d) determining a time interval to wait before repeating steps a)-c) (column

5 lines 54-67)(column 6 lines 1-4, lines 40-42), but fails to teach wherein the step

of determining a time interval to wait comprises the step of selecting as the

selected mobile user a mobile user from plurality of mobile users that is least

likely to cause a condition relating to locations of the plurality of mobile users to

be satisfied, and determining the time interval to wait based on the selected

mobile user.

Souissi teaches determining a time interval to wait comprises the step of

selecting as the selected mobile user a mobile user from plurality of mobile users

that is least likely to cause a condition relating to locations of the plurality of

mobile users to be satisfied, and determining the time interval to wait based on

the selected mobile user (column 7 lines 33-67) (column 8 lines 1-21).

The reference teaches two examples in which plurality of users each with

portable subscribers units, the controllers selects or begins with the user with the

portable subscriber unit based on the location of the user by calculating the

distance between the specific location of the event and the location at which the

portable subscriber unit is positioned (least likely to cause a condition (relating to

plurality of user to be satisfied)(column 7 lines 33-53). The reference also

teaches determining the predetermined time to wait which is one minute when a

sufficient response of the message has not occurred from the user (time interval

to wait based on the selected user) (column 7 lines 53-59). It would have been

obvious to one of ordinary skill in the art at the time of applicant's invention to

implement Reed et al's invention with to determine the time interval to wait

comprises selecting as the selected mobile user from plurality of mobile users

that is least likely to cause a condition. The motivation for doing so would have

been so that to find out from the current location of the users, which individual

user of the plurality of mobile users would be the first one to respond quickly or

who would be the last user to respond (column 7 lines 48-53).

6. As per claim 3, Reed and Souissi teaches the method of claim 1 but

Souissi further teaches, wherein the step of: determining a time interval to wait

based on the selected mobile user comprises the steps of:

· -estimating a time at which the selected mobile user is likely to satisfy a

condition based on at least one of: a distance from a current location of the

selected mobile user to a region relevant to the condition, a velocity of the

selected mobile user; and (column 7 lines 33-67) (column 8 lines 1-21)

The reference teaches sending message to the users who are likely to

satisfy a condition based on the distance of the location of the users based on

the current location at which the user is positioned to the specific location of the

event (region relevant to the condition).

-determining the time interval to wait based on the estimated time at which

the selected mobile user is likely to satisfy a condition and a time tolerance.

(column 7 lines 33-67) (column 8 lines 1-21).

The reference teaches determining the time interval to wait based on the

calculated distance and time at which a selected user is likely to respond to help

message transmission (likely to satisfy a condition) and time tolerance has not

occurred within a time interval.

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to implement Reed et al's invention to estimate at time a

selected mobile user likely to satisfy a condition and determine a time interval to

wait based on estimated time which the user is likely to satisfy a condition and

time tolerance. The motivation for doing so would have been to determine the

wait and to find out from the current location of the user how much estimated

time it is going to take for the selected user to respond (column 7 lines 48-53).

7. As per claim 4, Reed and Souissi teaches the method of claim 3, but Reed

further teaches wherein the obtaining step comprises the steps of:

-searching a cache operable to store information indicating locations of

mobile users for information indicating a location of the selected mobile user;

(column 5 lines 54-67) (column 6 lines 1-4) (column 6 lines 21-34)

The reference teaches portable subscriber unit records (Cache) the information indicating the locations of mobile user and later uses the cache to compare it.

-using the information indicating the location of the selected mobile user as the information indicating the current location of the selected mobile user, if the information indicating the location of the selected mobile user is found in the cache; (column 5 lines 54-67) (column 6 lines 1-4,lines 21-34, lines 45-52) and

The reference teaches comparing the current location information with the attribute (stored in cache) to determine if the alert is necessary.

-querying at least one mobile positioning server to obtain the information indicating the current location of the selected mobile user, if the information indicating the location of the selected mobile user is not found in the cache. (column 6 lines 1-4,lines 21-52)

8. As per claim 5, Reed and Souissi teaches the method of claim 4, but Reed further teaches wherein the at least one event comprises transmitting a message (column 5 lines 54-67) (column 6 lines 1-20).

The reference teaches the alert message is transmitted to the mobile user.

9. As per claim 6, Reed and Souissi teaches the method of claim 5, but Reed further teaches wherein the message is transmitted to a mobile user. (Column 5 lines 54-67) (Column 6 lines 1-20). The reference teaches the alert message is transmitted to the mobile user.

10. As per claim 7, Reed and Souissi teaches the method of claim 5, but Reed

further teaches wherein the message is transmitted to a non-mobile user

(Column 6 lines 31-62).

The reference teaches updates the second customer (non-mobile user)

about the delay of the sales person (Mobile user) who was scheduled to arrive at

a certain time.

11. As per claim 10, Reed and Souissi teaches the method of claim 4, but

Souissi further teaches wherein the at least one condition relates to a location of

the plurality of mobile users and to a time (column 7 lines 33-67) (column 8 lines

1-21). It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to implement Reed et al's invention to have at least one

condition relates to location of plurality of mobile users and to a time. The

motivation for doing so would have been to find out from the current location of

the users, which individual user of the plurality of mobile users would be the first

one to respond quickly or who would be the last user to respond (column 7 lines

48-53).

12. As per claims 11,13-17,20, they teach same limitations as claims 1,3-7,10

respectively, therefore rejected under same basis.

13. As per claims 21,23-27,30, they teach same limitations as claims 1,3-7,10

respectively, therefore rejected under same basis.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

A). "Method and Apparatus in a wireless communication system for

creating a learning function" by Reed et al. U.S. Patent # 6,263,209.

B). "Method and Apparatus in a two-way wireless communication system for location-based message transmission" by Souissi et al. U.S. Patent # 6,091,959.

15. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

16.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

DAP

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER